

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 05-268 (RHK/RLE)

Plaintiff,

vs.

ORDER

Noo-Din Larose,

Defendant.

Defendant has filed timely Objections to those portions of Chief Magistrate Judge Raymond L. Erickson's September 27, 2005 Report and Recommendation in which it is recommended that Defendant's Motions to Dismiss the Indictment be denied. The undersigned has reviewed de novo the objected to portions of the Report and Recommendation and is satisfied that Judge Erickson's proposed disposition of the motions to dismiss the indictment is fully supported by the factual record before him as well as by controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 40) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 39) is **ADOPTED**;
3. Defendant's Motion to Dismiss Indictment: Insufficient Predicate Convictions (Doc. No. 34) is **DENIED**;

4. Defendant's Motion to Dismiss Indictment: Lack of Nexus with Interstate Commerce (Doc. No. 32) is **DENIED**; and

5. Defendant's Motion to Suppress Statements, Admissions, and Answers (Doc. No. 29) is **DENIED**.

Dated: November 7, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge